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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/400,974 | 09/22/1999 | HIROYA SATO | 0033-0619P-S | 4024 |

7590 05/05/2004

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EXAMINER

LE, LANA N

ART UNIT PAPER NUMBER

2685

DATE MAILED: 05/05/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/400,974

Applicant(s)

SATO ET AL.

Examiner

Lana Le

Art Unit

2685

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☒ Applicant's reply has overcome the following rejection(s): USC 112 rejections.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.


Claim(s) objected to: _____.

Claim(s) rejected: 1-40.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 2. NOTE: Regarding claims 1, 11, 15, and 18, applicant states the cited reference, Fortune et al, does not teach a "main lobe and a side lobe". However, as is pointed out in the final office action, applicant's specification discloses the main and side lobe of the antenna receive the direct and indirect signals, respectively. The indirect and direct signals of the reference is described in the reflection path loss and direct path loss calculation after receiving the reflected (indirect) and direct signals respectively. Also, applicant alleges that the predicted calculation assumes the antenna is a dipole, the predicted and the measured value follow the same trend and the actual measured transmitted and received signal does use a dipole antenna (col 9, lines 29- col 10, line 21). Therefore, it would have been obvious to one of ordinary skill in the art if not inherent to realize that the antenna of Fortune et al could contain the specific structure of a main lobe and a side lobe as is notoriously well known in the structure of virtually all antennas to some extent, in order to be capable of receiving the simultaneous reflected (indirect) and direct signals as an intended use via the side and main lobe respectively at the "receiver point 212". Second, applicant alleges that the cited prior art, Fortune et al, does not disclose a stationary receiver. However, the claim language merely states broadly "a stationary transmitter and receiver". Also, the actual measured single receiver point could represent the position of the portable device when it is stationary in order to calculate the reflected and direct path loss at which the portable device properly operates when stationary at that point. In addition, the portable device when motionless is a "stationary receiver" in the same way the receiver 2, placed on the TV, of applicant's figure 1 is stationary while motionless. Furthermore, when the actual measurement is made, the receiver and transmitter point could represent the position of any device, without the necessity of being stationary or mobile, ie. a printer, fax, etc. with the receiver and transmitter being part of or attached to the device, being positioned at those points to calculate the reflected and direct propagation loss. Applicant request for the 112 rejection due to millimeter wave be withdrawn due to it not being unclearly claimed therefore the 112 rejection due to millimeter is dropped, however, millimeter is a notoriously old and well known term in the art. The 112 rejection due to simultaneous reception will be withdrawn, however, the cited reference still reads on the broadest interpretation of the claimed invention of simultaneous reception.


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